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GAU 2671 #3  
BT  
11-06-01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : DIGI RX, LLC.  
FOR : SOFTWARE, APPARATUS AND  
METHOD FOR HAND-HELD  
ELECTRONIC DEVICES AND  
ADVERTISING THEREON  
SERIAL NO. : 09/736,032  
FILED : 12/13/2000  
LAST OFFICE ACTION : N/A  
EXAMINER : Unknown  
GROUP ART UNIT : 2671  
ATTORNEY DOCKET NO. : 0894.0010

RECEIVED

SEP 12 2001

Technology Center 2600

Akron, OH 44308-1136

September 5, 2001

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CERTIFICATE OF MAILING

I hereby certify that this INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56 and §1.97 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231, on this 5 day of September, 2001

By:

*Janet E. Sigler*  
Janet E. Sigler

\*\*\*\*\*

Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56 and §1.97

Dear Sir:

In accordance with 37 C.F.R. § 1.56 the applicant files this Information Disclosure Statement (IDS) under at least one of the following five circumstances:

1. ☐ **No Information to disclose:** applicant has no information to disclose at this time.
2. ☐ **Under § 1.97(i):** this IDS is filed with the knowledge that it will NOT be considered.
  - this IDS is filed BEFORE the grant of a patent; AND
  - this IDS does NOT comply with the requirements noted below
  - applicant notes that the information disclosed herein WILL be placed in the file
3. ☒ **Under § 1.97(b):** this IDS should be considered because it is being filed
  - within 3 months of the filing date of a national application OR
  - within 3 months of the date of entry of the national stage of an international appl. OR
  - before the mailing date of a first Office Action on the merits, whichever occurs last.

A) ☒ one of the following statements under § 1.97(e):

I, Daniel A. Thomson, the undersigned hereby state:

(1) ☒ Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement, OR

(2) ☒ To the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than 3 months prior to the filing of this statement; OR

B) ☐ A check in the amount of \$ 240.00 is enclosed to cover the Information Disclosure Statement (IDS) Fee under 37 C.F.R. § 1.17(p) as required when neither item (1) nor (2) above are selected.

4. ☐ **Under § 1.97(d):** this IDS should be considered because it is being filed
  - after the period specified Under § 1.97(c) above but
  - ON OR BEFORE payment of the issue fee,
  - and is accompanied by:

A) ☐ one of the following statements under § 1.97(e):

I, Daniel A. Thomson, the undersigned hereby state:

(1) \_\_\_\_\_ Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement, OR

(2) \_\_\_\_\_ To the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than 3 months prior to the filing of this statement; AND

B) \_\_\_\_\_ a petition requesting consideration of the IDS; AND

C) \_\_\_\_\_ A check in the amount of \$ 180.00 is enclosed for the petition fee as set forth under 37 C.F.R. § 1.17(i).

In accordance with § 1.56 and § 1.97 the references listed below and on the attached form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of these cited documents are enclosed.

#### English-Language Documents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
4,839,806	6/13/1989	Goldfischer et al.
6,018,713	01/25/2000	Coli et al.
5,642,484	6/24/1997	Harrison, III, et al.

#### Foreign Patent Documents in English

<u>Patent No.</u>	<u>Issue Date</u>	<u>Country</u>
2,756,695	06/1998	France
2,775,093	08/1999	France

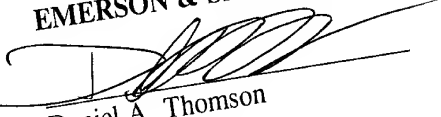
Foreign-Language DocumentsIssue DatePatent No.PatenteeOther Documents

NONE

  X   Please charge deposit account No. 05-0875 if any additional fees are required.

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO-1449 with initials or other appropriate marks.

Respectfully submitted,

**EMERSON & SKERIOTIS**  
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One Cascade Plaza, 14th Floor  
Akron, Ohio 44308-1136

September 5, 2001  
Date